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EXAMINER

TRUONG, LECHI

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,200

Applicant(s)

SLAUGHTER ET AL.

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17,18,20-31,33-37,51,52,54-59 and 61-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,15,17,18,20-28,31,33-37,51,52,54-58,61,66,69-71 and 73-76 is/are rejected.
- 7) ☒ Claim(s) 13,14,29,30,59,62,63,67,68 and 72 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4-12, 15, 17, 18, 20-28, 31, 33-37, 51, 52, 54-58, 61, 66, 69, 70, 71, 73-76 are presented for the examination. Claims 3, 16, 19, 32, 38-50, 53, 60 are cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 54, it is unclear where the claim 54 depended on. The claim 54 depended on itself.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-76 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-68 of copending

application serial no: 09/672145. Although the conflicting claims are not identical, they are not patentably distinct from each other because both computer systems comprise substantially the same elements. The differences between claims 1-68 of the application and this case are determines the credential is authentic, the service performing a function. However, it would have been obvious to one of the ordinary skill in the art to include determines the credential is authentic, the service performing a function because they are well known in the art to be more efficiency in term of determine for performing a function)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4, 7-11, 17-18, 20-26, 33, 34, 51, 52, 56, 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandle et al (U S Pat. 5,218,699) in view of Humpleman et al (US. Patent 6,466,971 B1).

As to claim 1, Brandle teaches a method for remotely invoking functions (remote procedure calls) in a distributed computing environment, comprising:

a client (application 100) generating a message (remote procedure call), wherein the message includes information representing a computer programming language (high level language, col. 3, lines 37-39) method call (procedure block 52);

the client sending the message to a service (remote router application 118), wherein the service is configured to perform functions on behalf of the client (execute service procedures 126); and the service performing a function on behalf of the client in accordance with the information representing the computer programming language method call included in the message (execute service procedure 170, 172). See col. 7, line 4 - col. 8, line 4; fig. 4-6).

Brandle do not explicit teach the method gate in generated for the client according to a data representation language schema define one or more interface. Method gate receiving method call and method gate generating the message for the client, the message is generated as defined by the data representation language schema, the programming language call in the message represents the method calls. However, Humpleman teaches the method gate in generated for the client according to a data representation language schema define one or more interface (controlled application 82, 84 are programmed using a standard interface subset of XML based XCE database 104. Each device interface is stored within said application 82, 84 in XML form, col 20, ln 23-27/ the controlled application 84 of device use XML parser 74 to parse and interpret the received XML command/ the XMLRPC codec 76, col 18, ln 45-50), Method gate receiving method call and method gate generating the message for the client (upon receiving said XMLRPC command message, the controlled application 84 of device B uses the XML parser 74 of device B to parse and interpret the received XML command message. The XMLRPC codec 76 of device B the decodes the parser results to obtain the method call, col 18,

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In 45-52/col 16, ln 21-35), the programming language call in the message represents the method calls (obtain the method call information in the command message, including a method name and parameters for the device B function to perform request service, col 18, ln 50-53).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brandle and Humpleman because Humpeman's the method gate in generated a data representation language schema define one or more interface. Method gate receiving method call and method gate generating the message for the client, the message is generated as defined by the data representation language schema, the programming language call in the message represents the method calls would improve the efficiency of Brandle's system by providing the ability for various network devices to automatically command and control other various network device.

As to claim 2, Brandle teaches the service performs the function on behalf of the client asynchronously to processing on the client (asynchronous mode). Col. 9, line 31 -col. 10, line 18.

As to claim 4, Brandle teaches the client method gate sending the message to the service (transfer data including service procedure). Col. 8, line 63 - col. 9, line 8.

As to claim 7, Brandle teaches the service comprises one or more computer programming language methods executable within the service (service procedures 126), wherein said performing a function comprises executing a computer programming language method in accordance with the information representing the computer programming language method call included in the message (procedure and parameters). Col. 8, line 57 - col. 9, line 19.

As to claim 8, note discussion of claim 7 and Brandle further teaches the information representing the computer programming language method call includes an identifier of the

method call (procedure/call identifier), and wherein said performing a function comprises: regenerating the method call in accordance with the identifier of the method call included in the information representing the method call (extract call identifier and parameters and invokes, col. 9, lines 1-16); and executing a computer programming language method in accordance with the regenerated method call (execute service procedures 126, step 172).

As to claim 9, Brandle teaches the information representing the computer programming language method call further includes one or more parameter values of the method call (parameter block 58), and providing the one or more parameter values from the information representing as parameter values of the method call (mapper extracts data/parameters). Col. 9, lines 9-16.

As to claim 10, Brandle teaches a service method gate (remote muter application 118, data mapper 120 and service director 122) configured to provide an interface to computer programming language methods of the service by receiving messages (transferred) and invoking methods specified by the messages (steps 166, 168, 170, 172), and wherein said regenerating the method call is performed by the service method gate. Col. 8, line 57 - col. 9, line 19.

As to claim 11, Brandle teaches performing a function generates results data (results), the service providing the generated results data to the client (steps 174 -190).

As to claim 17, note discussions of claim 1 for functions of generate, send and perform and claim 3 for receive. In Brandle, the first two functions are provided in a client node and the last two in a service node. It would have been obvious to implement the client functions by a client device and the service functions by a service device.

As to claims 18, 20, note discussion of claims 2 and 4, respectively.

As to claims 21, 22, note discussions of claims 5 and 6.

As to claims 23-26, note discussion of claims 7-9, 11, respectively.

As to claim 33, it is covered by claims 1 and 3. Note the equivalence and access/receiving. It would have been obvious to implement the client and the method gate functions, co-located in a client node, in a device.

As to claim 34, note discussion of claim 2.

As to claim 51, it is a program product claim of claim 1, thus note claim 1 for discussion. It would have been obvious to embody the method steps in a carrier medium for the purpose of portability.

As to claims 52, note discussions of claims 2 and 3, respectively.

As to claims 56, 57, note discussions of claims 8 and 9, respectively.

6. Claims **5, 6, 35, 36, 54, 55, 73-76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandle et al (U S Pat. 5,218,699) in view of Humpleman et al (US. Patent 6,466,971 B1), as applied to claim 1 above, and further in view of Anderson et al (Professional XML, pages 497-511, 542-543).

As to claims 73-76, Brandle and Humpleman do not teach the computer programming language is Java, nor Java method call, Java method implemented on, Java method on. However, Anderson teaches a method for remotely invoking functions in a distributed computing environment (XML-RPC), wherein the computer programming language is Java, and including Java method call (Java client), Java method implemented on the service (Java XML-RPC server,

page 511, fig.). See page 508 section XML-RPC to page 511, last para.. Therefore, it would have been obvious to include programming language Java, Java method call and Java method implemented on the service into Brandle. One of ordinary skill in the art would have been motivated to combine the teachings of Brandle and Anderson because this would have provided an updated technology and allowed communications between programs running on disparate operating environments heterogeneous systems.

As to claims 5, 6, 35, 36, 54, 55, Java is a well-known distributed object-oriented execution environment with remote procedure call capability, as taught by Anderson (page 511, fig.). In view of the combined teaching of Brandle and Anderson, running a client application/process in a virtual machine I JVM would have been obvious.

7. Claims 12, 27, 28, 37, 58, 61, 65, 66, 70, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandle et al, in view of Humpleman et al (US. Patent 6,466,971 B1) and further in view of Price et al (US. Patent 5,649,092).

As to claims 12, 37, 58, Brandle teaches storing the generated results data (results) to a space service (queue 116) in the distributed computing environment; and the client accessing the stored results data from the space service (application retrieves results from the queue, col. 7, lines 33-36, 64-66; col. 10, lines 11-13).

Brandle and Humpleman do not teach providing an advertisement for the stored results data to the client, wherein the advertisement comprises information to enable access by the client to the stored results data. However, Price teaches providing an advertisement for the stored

results data to the client, wherein the advertisement comprises information to enable access by the client to the stored results data (the storage control 110 contains the control require for interfacing with the Interprocessor communication network 109 and reading data from and writing data to the Storage 108. The Storage Control contains logic for processing storage read and write requests. In additional, logic is contained therein for processing two additional commands, col 6, ln 15-21).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brandle, Humpleman and Price because Price 's providing an advertisement for the stored results data to the client, wherein the advertisement comprises information to enable access by the client to the stored results data would improve the flexibility of Brandle and Humpleman's systems by ensuring that the adverse impact on performance which may be caused by the fault tolerance mechanism is minimized.

As to claim 27, note discussion of claim 12, steps of storing and providing.

As to claims 28, 66, note discussion of claim 12, step of client accessing.

As to claim 61, note discussion of claims 1 and 12.

As to claim 65, note discussion of claims 17 and 27.

As to claim 70, note discussion of claims 33 and 37.

As to claim 71, note discussion of claims 51 and 58.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brandle et al in view of Humpleman et al (US. Patent 6,466,971 B1), as applied to claim 1 above, in view of Price et al (US. 5,649,092) and further in view of Cuomo (U S Pat. 6,185,614).

As to claim 15, Cuomo teaches using Uniform Resource Identifiers (URLs) to access data/resources (col. 4, lines 4-36). Therefore, it would have been obvious to a URI to identify the stored results (resources to application) of Brandle. One of ordinary skill in the art would have been motivated to combine the teachings of Brandle and Cuomo because this would have provided the capability of returning dynamically generated results (Cuomo, col. 2, lines 6-11).

9. Claims 31, 64, 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandle in view of Humpleman et al (US. Patent 6,466,971 B1) in view of Price et al (US. Patent 5,649,092), and further in view of Cuomo (U S Pat. 6,185,614).

As to claims 31, 64, 69, Cuomo teaches using Uniform Resource Identifiers (URLs) to access data/resources (col. 4, lines 4-36). Therefore, it would have been obvious to a URI to identify the stored results (resources to application) of Brandle. One of ordinary skill in the art would have been motivated to combine the teachings of Brandle and Cuomo because this would have provided the capability of returning dynamically generated results (Cuomo, col. 2, lines 6-11).

Allowable Subject Matter

10. Claims 13, 14, 29, 30, 59, 62, 63, 67, 68, 72 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101 and 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

November 23, 2005


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER
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